## REMARKS

Applicant notes with appreciation that the Examiner conducted a thorough examination of Claims 1-111, which stand rejected in the Office Action issued on March 6, 2007. In response, Applicant has amended Claims 1, 21 and 41, and added new Claim 112. As a result, the currently pending claims are Claims 1-3, 5-23, 25-41, 44-56, and 93-112, of which Claims 1, 21, 41, and 112 are independent claims. It is respectfully submitted that all of the currently pending claims are in condition for immediate allowance in view of the following arguments. Therefore, Applicant respectfully requests the Examiner's favorable reconsideration of the present application and issuance of allowance of all pending claims, as amended, in this document.

### Formal Matters

1. Summary of Interview

Applicant appreciates the opportunity to discuss the present application with the Examiner on June 21, 2007. During the interview, Applicant's representative suggested, and the Examiner appeared to agree, that the Applicant may overcome the §102 rejection of the claims in view of *Salesky* by further clarifying the claims regarding the ability to dynamically create performance clusters. Additionally, the Applicant argued, and the Examiner appeared to agree, that the claimed subject matter of creating performance clusters based on priorities of resources (e.g., Claims 95 and 102) is different from the cited reference of *Reisman* which discloses a method of initiating a window on a web browser according to the priorities of a set of preferences.

2. Request for Extension of Time

Applicant requests a one month extension for filing this response. Applicant requests that undersigned's Deposit Account No. 50-2613 (Order No. 45098.00014.UTL1.P1068) be charged the requisite fee for the one month extension of time. In the event that a variance exists between the amount tendered and that required by the U.S. Patent and Trademark office to enter and consider this Response, or to prevent abandonment of the present application, please charge or credit such variance to the above referenced Deposit Account.

## §102 Rejection

*Independent Claims 1 and 21 and*

*Dependent Claims 93, 98- 100, 103- 105 and 109-111*

The Examiner has rejected independent Claims 1 and 21 as being allegedly anticipated by U.S. Patent Application No. 2005/0080850 to Salesky et al. (*Salesky*). Applicant respectfully traverses this rejection for at least the reasons stated below.

As stated in MPEP § 2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicant respectfully submits, as will be detailed below, that *Salesky* does not, either expressly or inherently, teach or suggest limitations recited in the previously pending claims. However, in order to further the prosecution of the present application, Applicant has amended independent Claims 1, 21 and 41 without prejudice in order to provide further clarification of the claimed embodiments.

(1)    *Salesky* does not teach or suggest the inventive concept of creating one or more performance clusters in all independent claims

*Salesky* et al. discloses a system that handles arbitrary blocks of data, transported at varying speeds, used to update multiple client screens with changes in a presenter's screen during a conference session. See *Salesky*, Abstract. *Salesky* discloses that "[e]ach attendee client is assigned to a class on the basis of announced or measured characteristics of the client and its network connection...[r]eassignment can occur dynamically as the connection or client loading change, or when requested by the client...[a] monitor process (not shown) on the server monitors the activity of the output filters to shift the attendee clients from class to class." *Id.* at paragraphs 00133-0135. Arguably, one may equate the monitor process of *Salesky* to the cluster manager with the ability to assign destination devices to performance clusters. However, *Salesky* discloses that the classes to which attendees are assigned are statically defined as follows: "Class 1 clients are fast clients on a fast network; Class 2 clients are slow clients on a fast network; Class 3 clients are clients on slow networks and/or slow clients which cannot process

and/or receive the data required of Class 2." *Id.* at paragraph 0135. Each class receives a different queue that is filled with the queue filler 104, wherein the filter 100 sends the data block queues to the attendee clients based on the class to which they were assigned. (See paragraphs 0135-0139).

Applicants have amended Claim 1 in part as follows:

a cluster manager configured to:

determine connection characteristics for each of the plurality of destination devices and associated communication connections,

dynamically create one or more performance clusters based on the determined connection characteristics,

These elements have been added without adding new matter and are supported throughout the specification and drawings, and more specifically at least in paragraphs 019, 021, and 023 and in FIG. 308.

In *Salesky,* the Examiner cites paragraphs 0135-0138 as relevant for teaching a cluster manager "configured to create one or more performance clusters." See Office Action page 3. However, paragraphs 0135-0138 of *Salesky* describe classifying attendee clients into three predefined classes, and do not describe how the classes were created. Although it is arguable that the classes must have been created at some point, *Salesky* fails to disclose a cluster manager configured to <u>dynamically create</u> one or more performance clusters based on determined connection characteristics.

(2) *Salesky* does not teach or suggest the inventive concept of dynamically creating performance clusters based on connection characteristics of destination devices as recited in amended Claim 1

Applicant respectfully submits there is no disclosure in *Salesky* that would teach or suggest the ability to dynamically create a performance cluster. Specifically, Applicant submits that at least the following recitations are absent from *Salesky:*

a cluster manager configured to:...

dynamically create one or more performance clusters based on the determined connection characteristics

Instead, *Salsky* only discloses three static classes (Class 1, Class 2 and Class 3) initially created to which all attendees are assigned or reassigned. See *Salsky* paragraphs 0135. Attendees clients assigned to class 1 are fast machines on fast networks that receive all four types of data blocks, compressed base blocks ("cbase"), uncompressed base blocks ("ubase"), uncompressed difference blocks ("udiff"), or compressed delta blocks ("cdiff"). *Id* at paragraphs 0128 and 0136. Attendee clients assigned to class 2 are slow machines on fast networks that receive uncompressed and compressed base blocks. *Id.* at paragraph 0137. Attendee clients assigned to class 3 typically cannot handle delta data blocks because of network or client limitations. *Id.* at paragraph 0138. These classes are not dynamically created but rather are static in nature and established from the outset.

*Salsky* also fails to disclose assigning each of the communication connections into one of the dynamically created performance clusters based on <u>connection characteristics</u>. See Claim 1, emphasis added. Instead, *Salesky* teaches the three classes are predefined prior to any attendee client connecting to the system. In *Salesky*, performance characteristics of attendee clients are used to assign the attendee clients to a class, but the characteristics are not used to create the class. *Id.* at paragraph 0135. Thus, *Salesky* fails to teach dynamically created classes based on connection characteristics, and instead, *Salesky* discloses using three classes statically defined prior to any connection and based on only three different performance levels. Therefore, because *Salesky* does not disclose the ability to dynamically create the performance clusters, and instead only discloses assigning to the statically defined classes, *Salesky* does not anticipate each and every element of Claim 1 as amended, and Claim 1 is now in condition for allowance.

(3) *Salesky* does not teach or suggest the inventive concept of creating performance clusters as system requirements dictate

Claim 21 has been amended similarly to Claim 1 in order to further distinguish the claimed subject matter over *Salesky*. For example, Applicant has amended Claim 21 to include, and *Salesky* fails to disclose, the following recitation:

> the cluster manager is further configured to dynamically create performance clusters as system requirements dictate

These elements have been added without adding new matter and is supported throughout the specification and drawings, and more specifically at least in paragraphs 019, 021, and 023 and in FIG. 308.

As described above, *Salesky* teaches only assigning and reassigning the attendee clients to one of three predefined static classes as network connection characteristics change for attendee clients. The classes and data block types do not dynamically change in any way as system requirements vary. *Salesky* at paragraph 0135. Therefore, *Salesky* fails to each limitation of Claim 21, and Claim 21 is in immediate condition for allowance.

(4) *Salesky* does not teach or suggest the inventive concept of creating performance clusters based on performance similarities

Claim 41 has been amended similarly to Claim 1 in order to further distinguish the claimed subject matter over *Salesky*. For example, Applicants have amended Claim 41 to include, and *Salesky* fails to disclose, the following recitation:

> creating, dynamically, one or more performance clusters based on performance similarities.

These elements have been added without adding new matter and is supported throughout the specification and drawings, and more specifically at least in paragraphs 019, 021, and 023 and in FIG. 308.

As described above, *Salesky* teaches only assigning and reassigning the attendee clients to one of three predefined static classes as network connection characteristics change for attendee clients. The classes and data block types do not dynamically change in any way as based on performance similarities of the attendee clients. *Salesky* at paragraph 0135. Therefore, *Salesky* fails to each limitation of Claim 41 and, Claim 41 is in immediate condition for allowance.

Therefore, Applicant respectfully requests the §102 rejection for Claims 1, 21 and 41, and all claims dependent therefrom, be withdrawn.

(5) *Salesky* fails to teach or suggest increasing and/or decreasing the number of performance clusters

The Examiner has also rejected dependent Claim 93 as being anticipated by *Salesky*. Applicants respectfully traverse this rejection in that at least *Salesky* does not teach each and every element of the claimed subject matter. More specifically, in addition to the elements discussed above, *Salesky* does not teach the recited elements of determining the number of performance clusters based on a function of priorities:

> the cluster manager is further configured to determine the number of performance clusters to be created and synchronization mechanisms to be assigned by applying a pre-determined function, the function comprising:
>> a source device resource priority corresponding to the relative importance of minimizing resource usage on the source device; and
>> a destination device service priority corresponding to the relative importance of providing timely updates to the plurality of connected destination devices

*Salesky* does not teach or suggest assigning destination devices to synchronization mechanisms based on any type of priority. Furthermore, *Salesky* does not teach assigning destination devices based on the importance of minimizing resource usage as compared to the importance of providing timely updates. *Salesky* teaches four types of data blocks fillers used to queue, synchronize and send the data to clients. *Salesky* only teaches sending the data based on class characteristics, wherein the definition of a class may not dynamically change. Therefore, Applicant submits that Claim 93 is not anticipated by *Salesky* and is immediate condition for allowance.

## §103 Rejections

### *Dependent Claims 2, 3, 5-6 and, 10-11*

Dependent Claims 2, 3, 5-6 and 10-11 have been rejected as being allegedly obvious over *Salesky* in view of U.S. Patent No. 6,298,585 to Gillett, Jr. et al. (*Gillett*).

As stated in MPEP § 2143.01, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

As set forth above and incorporated herein above *Salesky* fails to teach or suggest the following recitations of the independent claims as amended (all having similar language):

> dynamically create one or more performance clusters based on the determined connection characteristics,

Applicant respectfully submits that *Gillett* fails to fulfill the foregoing deficiencies of *Salesky*. *Gillett* is directed towards a communication method and an apparatus for write-only networks. See *Gillett*, e.g., Abstract. More specifically, *Gillett* describes a multi-node computer network for parallel computing. Each node has local and shared memory, which can be used in the event of transmission failure between nodes to maintain accuracy and coherency. A central hub is utilized in the transmission of data to minimize error transmissions. Id. at col. 6, lines 33-45. *Gillett* fails to disclose, teach or suggest a cluster manager configured to determine performance similarities for a plurality of connections and configured to group the plurality of connections into performance clusters based on the determined performance similarities. Additionally, *Gillett* fails to disclose, teach or suggest dynamically creating the performance clusters based on determined connection characteristics.

Therefore, because Gillett cannot cure the deficiencies of *Salesky* with respect to any independent claims or the claims that depend therefrom, and because there is no motivation to combine *Salesky* and *Gillett*, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of Claims 2, 3, 5-6 and 10-11 as being unpatentable over *Salesky* in view of *Gillett*.

### *Dependent Claims 7-9, 12 and 13*

Dependent Claims 7-9, 12 and 13 have been rejected as being allegedly obvious over *Salesky* in view of U.S. Patent No. 6,151,688 to Wipfel et al. (*Wipfel*).

As stated in MPEP § 2143.01, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

As set forth above and incorporated herein above *Salesky* fails to teach or suggest the following recitations of the independent claims as amended (all having similar language):

> dynamically create one or more performance clusters based on the determined connection characteristics,

Applicant respectfully submits that *Wipfel* fails to fulfill the foregoing deficiencies of *Salesky*. Wipfel is directed towards methods and systems for managing resources in a computing cluster when nodes fail. See *Wipfel* e.g., Abstract. More specifically, *Wipfel* describes resource management methods and systems for computer clusters utilizing remote memory probes, communication through a shared disk, and resource allocation featuring minimal locking such that individual nodes of computer clusters are utilized in an efficient manner. *Id.* at col. 27, lines 44-53. *Wipfel* fails to disclose, teach or suggest any determination of similarities of nodes, based on performance or other criteria. *Wipfel* also does not disclose, teach or suggest comparing performance capabilities of different nodes, and in fact, when distributing tasks the resources of nodes are allocated independently based only on whether a node has requested a task and whether a task is appropriate to distribute. *Id.* at col. 15, lines 21-49 and col. 16 lines 49-61, and FIGS. 7 and 8. Furthermore, *Wipel* fails to disclose, teach or suggest dynamically creating a performance cluster based on connection characteristics.

Therefore, because *Wipfel* cannot cure the deficiencies of *Salesky* with respect to any independent claims or the claims that depend therefrom, and because there is no motivation to combine *Salesky* and *Wipfel*, Applicant respectfully requests the Examiner reconsider and withdraw the rejection for Claims 7-9, 12 and 13 as being unpatentable over *Salesky* in view of *Wipfel*.

### Dependent Claims 14-16

Dependent Claims 14-16 have been rejected as being allegedly obvious over *Salesky* and *Gillett* in view of U.S. Patent No. 6,321,252 to Bhola et al. (*Bhola*).

As stated in MPEP § 2143.01, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

As set forth above and incorporated herein above *Salesky* fails to teach or suggest the following recitations of the independent claims as amended (all having similar language):

> dynamically create one or more performance clusters based on the
> determined connection characteristics,

Applicant respectfully submits that *Bhola* fails to fulfill the foregoing deficiencies of *Salesky*. *Bhola* is directed towards a system and method for temporal synchronization of media streams in multimedia collaborative applications. See *Bhola* e.g., Abstract. The method and systems taught in *Bhola* are for providing coarse-grained temporal synchronization by using separate streams for different media and then synchronizing the streams at the client location. *Bhola* does not disclose, teach or suggest creating performance clusters, e.g., does not group connections into clusters based on performance similarities. Additionally, *Bhola* fails to disclose, teach or suggest dynamically creating the performance clusters based on determined connection characteristics.

Therefore, because *Bhola* cannot cure the deficiencies of *Salesky* and *Gillett* with respect to any independent claims or the claims that depend therefrom, and because there is no motivation to combine *Salesky* and *Bhola*, Applicant respectfully requests the Examiner reconsider and withdraw the rejection for Claims 14-16 as being unpatentable over *Salesky* in view of *Bhola*.

### Dependent Claims 17 and 18

Dependent Claims 17 and 18 have been rejected as being obvious over *Salesky* in view of U.S. Patent Application No. 20010034752 to Kremein (*Kremien*).

As stated in MPEP § 2143.01, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

As set forth above and incorporated herein above *Salesky* fails to teach or suggest the following recitations of the independent claims (all having similar language):

> dynamically create one or more performance clusters based on the determined connection characteristics,

Applicant respectfully submits that *Kremien* fails to fulfill the foregoing deficiencies of *Salesky*. *Kremein* is directed towards a load balancing system and method for resource management in a computer system. See *Kremien*, e.g., Abstract. However, *Kremien* does not

disclose, teach or suggest a cluster manager configured to group a plurality of connections into performance clusters based on determined performance similarities. In particular, there is no cluster manager disclosed in *Kremien*, as each node executes the management software. *Id.* Furthermore, *Kremien* does not disclose, teach or suggest creating performance clusters, e.g., does not group connections into clusters based on performance similarities, and thus, does not disclose, teach or suggest dynamically creating performance clusters based on the determined connection characteristics.

Therefore, because *Kremien* cannot cure the deficiencies of *Salesky* with respect to any independent claims or the claims that depend therefrom, and because there is no motivation to combine *Salesky* and *Kremien*, Applicant respectfully requests the Examiner reconsider and withdraw the rejection for Claims 17 and 18, for at least that they depend on Claim 1, as being unpatentable over *Salesky* in view of *Kremien*.

### *Dependent Claims 19 and 20*

Dependent Claims 19 and 20 have been rejected as being allegedly obvious over *Salesky* and *Wipfel*, and *Kremien* in view of U.S. Patent No. 6,104,392 to Shaw et al. (*Shaw*).

As stated in MPEP § 2143.01, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

As set forth above and incorporated herein above *Salesky* fails to teach or suggest the following recitations of the independent claims as amended (all having similar language):

> dynamically create one or more performance clusters based on the determined connection characteristics,

Applicant respectfully submits that *Shaw* fails to fulfill the foregoing deficiencies of *Salesky*. *Shaw* is directed towards a system for providing graphic requests on clients with varying capabilities. See *Shaw*, e.g., Abstract. Unlike the present invention, the method disclosed in *Shaw* automatically varies the type and number of graphic requests and network encoding to provide optimum performance. *Id.* Although *Shaw* discloses methods of determining latency values, *Shaw* does not disclose, teach or suggest creating performance clusters, e.g., does not group connections into clusters based on performance similarities.

Additionally, *Shaw* fails to disclose, teach or suggest dynamically creating the performance clusters based on determined connection characteristics.

Therefore, because *Shaw* cannot cure the deficiencies of *Salesky, Wipfel and Kremien,* with respect to any independent claims or the claims that depend therefrom, and because there is no motivation to combine *Salesky* and *Shaw,* Applicant respectfully requests the Examiner reconsider and withdraw the rejection for Claims 19 and 20 as being unpatentable over *Salesky* in view of *Shaw.*

### Dependent Claim 94

Dependent Claim 94 has been rejected as being allegedly obvious over *Salesky* in view of U.S. Patent Application No. 2005/0015471 to Zhang et al. (Zhang).

As stated in MPEP § 2143.01, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka,* 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

As set forth above and incorporated herein above *Salesky* fails to teach or suggest the following recitations of the independent claims as amended (all having similar language):

> dynamically create one or more performance clusters based on the determined connection characteristics,

Applicant respectfully submits that *Zhang* fails to fulfill the foregoing deficiencies of *Salesky.* *Zhang* is directed towards the coordinated control of server systems utilized to provide network services. See *Zhang* paragraph 0002. The general purpose of *Zhang* is to provide an efficient system for coordinating and distributing configuration data among a cluster of network servers. *Id.* at paragraph 0018. The Examiner cites paragraph 19 of the background section of *Zhang* for teaching a cluster manager configured to determine the number of performance clusters, See Office Action paragraph 47. However, the background section teaches a load balancing system where the clients issue requests to servers based on an identification list. See *Zhang* at paragraph 19. The list is manually updated by an administrator. *Id.* Additionally, paragraph 69 is cited by the Examiner for teaching the same limitation. See Office Action paragraph 47. However, Applicant submits that *Zhang* does not disclose, teach or suggest

creating performance clusters, e.g., does not group connections into clusters based on performance similarities. Additionally, *Zhang* fails to disclose, teach or suggest dynamically creating the performance clusters based on determined connection characteristics.

Therefore, because *Zhang* cannot cure the deficiencies of *Salesky* with respect to any independent claims or the claims that depend therefrom, and because there is no motivation to combine *Salesky* and *Zhang*, Applicant respectfully requests the Examiner reconsider and withdraw the rejection for Claim 94 as being unpatentable over *Salesky* in view of *Zhang*.

### Dependent Claims 95, 96 and 102

Dependent Claim 95, 96 and 102 have been rejected as being allegedly obvious over *Salesky* in view of U.S. Patent Application No. 2003/0229900 to Reisman (*Reisman*).

As stated in MPEP § 2143.01, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Applicants submit that *Salesky* and *Reisman* fail to disclose, teach or suggest the following recitation of Claim 95:

> the cluster manager is further configured to increase the number of performance clusters if the destination device service priority is higher than the source device resource priority, and decrease the number of performance clusters if the destination device service priority is lower than the source device resource priority.

*Reisman* discloses methods for bringing up web-browser windows when a user clicks on a link in a website (see paragraph 0438). *Reisman* discloses methods of pre-defining and statically setting the preference of how a new window is brought up on the screen depending on "a preference structure and priority structure to allow preferences and priorities to be defined as named sets that apply under specified conditions and also to be manually activated or deactivated as desired" (see *Reisman*, paragraphs 0438-0444). It would not have been obvious to one of ordinary skill in the art by reading *Salesky* in view of *Reisman* to dynamically increase/decrease the number of performance clusters (e.g. one of the three classes in *Salesky*) depending on priorities between the source device and the destination device. *Salesky* and/or *Reisman* do not discuss priorities of the source device's resource as compared to the priority of service to a destination device.

However, in order to further prosecution of the present application, Applicants have amended independent Claim 1, which is now in condition for allowance. As set forth above and incorporated herein above *Salesky* fails to disclose the following recitations of the independent claims as amended (all having similar language):

> dynamically create one or more performance clusters based on the determined connection characteristics,

Applicant respectfully submits that *Reisman* fails to fulfill the foregoing deficiencies of *Salesky*. Therefore, Applicant respectfully requests the Examiner withdraw the rejection for dependent Claims 95, 96 and 102 as being unpatentable over *Salesky* in view of *Reisman*.

## *Dependent Claim 106*

Dependent Claim 94 has been rejected as being allegedly obvious over *Salesky* in view of U.S. Patent Application No. 2002/0031126 to Crichton et al. (Crichton).

As stated in MPEP § 2143.01, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

As set forth above and incorporated herein above *Salesky* fails to teach or suggest the following recitations of the independent claims as amended (all having similar language):

> dynamically create one or more performance clusters based on the determined connection characteristics,

Applicant respectfully submits that *Crichton* fails to fulfill the foregoing deficiencies of *Salesky*. *Crichton* is directed towards a system for bit synchronous communications with adverse delay conditions. See *Crichton* e.g., Abstract. The system in *Crichton* uses remote server and a smoothing buffer to correct delayed, dropped, duplicated and mis-sequenced packets. *Id.* However, Applicant submits that *Crichton* does not disclose, teach or suggest creating performance clusters, e.g., does not group connections into clusters based on performance similarities. Additionally, *Crichton* fails to disclose, teach or suggest dynamically creating the performance clusters based on determined connection characteristics.

Therefore, because *Crichton* cannot cure the deficiencies of *Salesky* with respect to any independent claims or the claims that depend therefrom, and because there is no motivation to combine *Salesky* and *Crichton*, Applicant respectfully requests the Examiner reconsider and withdraw the rejection for Claim 94 as being unpatentable over *Salesky* in view of *Crichton*.

### *Dependent Claim 107*

Dependent Claim 94 has been rejected as being allegedly obvious over *Salesky* and *Crichton* in view of *Bhola*. As stated above, Applicants have amended independent Claim 1 in order to further prosecution of the application, and is now in condition for allowance. *Crichton and or Bhola* fail to cure the deficiencies of Salesky. Therefore, Applicant respectfully requests the Examiner withdraw the rejection for dependent Claim 107.

### Other rejections

### *Claims 22, 23, 25-41, 44-56, 101 and 108*

Applicant has amended independent Claims 1, 21 and 41 in order to further prosecution of the application, which are now in condition for allowance. Therefore, Applicants respectfully request the Examiner withdraw the rejections for independent Claim 41, and dependent claims 22, 23, 25-40, 22-56, 101 and 108.

### New Claims

Applicants have added new Claim 112 without adding new matter. This new claim is supported throughout the specification and drawings at least in paragraphs 019, 021, 023 and 025. New independent Claim 112 is similar to rejected dependent claims 95 and 102. As described above, Applicant has traversed the rejection of Claims 95 and 102 over *Salesky* in view of *Reisman*, and Applicant submits that new Claim 112 is in condition for allowance.

## CONCLUSION

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

While this Response is believed to be timely, in the event that a variance exists between the amount tendered and that required by the U.S. Patent and Trademark Office requires to enter and consider this Response, or to prevent abandonment of the present application, please charge or credit such variance to the undersigned's Deposit Account No. 50-2613 (Order No. 45098.00014.UTL1.P1068).

Respectfully submitted,

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